

FILED

December 9 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-120

FILED

DEC 08 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

v.

JOHN L. HARTSOE,

Defendant.

ORDER

Plaintiff John L. Hartsoe (Hartsoe), a self-represented litigant, has moved to disqualify Hon. Deborah Kim Christopher of the Twentieth Judicial District for cause. He argues that Judge Christopher is presiding over another matter in which he is a party, and that she “has shown prejudice, missing documents, and procedures of the court [are] not being followed [sic].” Hartsoe has filed with his motion a copy of Judge Christopher’s order denying his “Motion for Change of Place of Trial for Prejudice.”

Hartsoe’s motion does not include an affidavit and fails to state facts showing personal bias or prejudice as required under § 3-1-805(1)(b) and (c), MCA. Furthermore, Judge Christopher’s order denying his motion for change of trial establishes the lack of bias or prejudice. Therefore,

IT IS HEREBY ORDERED that the request to disqualify Judge Christopher in Lake County Cause No. DC 08-110 is DENIED.

IT IS FURTHER ORDERED that the Clerk is directed to provide copies of this Order to Hartsoe at his last known address, to counsel of record, and to Hon. Kim Christopher, Presiding Judge.

DATED this 8th day of December, 2009.


Chief Justice

Patricia Cotter

John Warner

Donald

John Rice

Justices